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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,263	06/18/2004	Easley Wallace JR.	PR0032USPCT	9838

7590 02/13/2007
E.I. Du Pont De Nemours and Company
Legal Patents
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Wilmington, DE 19805

EXAMINER

HESS, BRUCE H

ART UNIT	PAPER NUMBER
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1774

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/500,263

Applicant(s)

WALLACE ET AL.

Examiner

Bruce H. Hess

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8-18-06 (Election).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-30 is/are pending in the application.
- 4a) Of the above claim(s) 13, 24 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-7, 11, 12 and 14-28 is/are allowed.
- 6) ☒ Claim(s) 1-7, 11, 12 and 14-28 is/are rejected.
- 7) ☐ Claim(s) 1-7, 11, 12 and 14-28 is/are objected to.
- 8) ☐ Claim(s) 1-7, 11, 12 and 14-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 11-24-06 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. 10/500,263.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>11-24-06</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11-24-06</u> | 6) <input type="checkbox"/> Other: <u>None</u> |

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The election requirement of the last Office action is adhered to and made final for the reasons of record.

Claims 1, 6, 12, 15, 16 and 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Kohashi et al.(USP 4,826,717).

This patent teaches an image transfer element comprising a support and a colorant layer which comprises a polymeric binder, a colorant, a surfactant and a metal salt (e.g., barium sulfate; see column 5, lines 22-25 and column 6, line 17). The experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., determine compositional proportions) fails to render applicants' claims patentable in the absence of unexpected results.

Claims 1-7, 12 and 14-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Kohashi et al. in view of the patent to Blanchet-Fincher (USP 6,146,792).

The primary reference applies as per the preceding paragraph. The secondary reference teaches the advantages of employing light-to-heat conversion layers and ejection layers in image transfer elements. Use of these conventional layers for their concomitant function in the image transfer element of the primary reference would have been an obvious expedient to one of ordinary skill in this art in the absence of unexpected results.

Claims 1-7, 11, 12 and 14 –28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Yoshinari et al. (USP 6,849,311).

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This patent teaches an image transfer element comprising a support and a colorant layer which can comprise a polymeric binder, a colorant, a surfactant and a metal salt (e.g., barium sulfate or magnesium sulfate; see column 5, lines 30, 56 and 57). An LTHC layer can also be present (see column 6, line 29 et seq.). As noted above, the experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., determine compositional proportions) fails to render applicants' claims patentable in the absence of unexpected results.

A handwritten signature in black ink, appearing to read "Bruce Hen". The signature is written in a cursive, flowing style with a large initial "B" and a stylized "H".